

**FREEDOM OF INFORMATION COMMISSION STATEMENT
ON SB 1234, AN ACT CONCERNING NONDISCLOSURE OF
RESIDENTIAL ADDRESSES OF CERTAIN PUBLIC OFFICIALS AND EMPLOYEES**

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The Freedom of Information Commission (FOIC) submits this statement in opposition to Proposed Bill 1234, which prohibits the disclosure of the residential addresses of certain public officials and employees.

If enacted, this bill would wreak havoc on transactions that use public lists such as land records, grand lists, vital records, enrollment lists, and voter registries, and would burden municipalities with a costly, but unfunded, mandate.

Under current law, §1-217 of the FOI Act prohibits any public agency from disclosing the residential address of any current or former member of 12 large categories of government employees. The FOIC has interpreted that to apply to all public records EXCEPT those that are expressly required by a separate statute to be complete, accurate and open for public inspection. For example, land records, grand lists, enrollment lists, voter registries, tax delinquency lists, property records, and vital records. Separate statutes explicitly protect these records, and we rely on their completeness, accuracy, and accessibility in many of our legal, commercial and political transactions.

The proposed bill would eliminate even the “carve-out” for those records that the General Assembly has determined, by enacting separate statutes, are to remain complete, accurate and open. The proposed bill would apply to *thousands* of current and former state and local employees, and the effect would be extreme. In one fell swoop, this bill would wipe away long-established and well-founded public policy and would utterly destroy the integrity and reliability of records that have been complete and open to public inspection for centuries, since Colonial days in this country.

Redaction of thousands of addresses would create chaos. How would real estate transactions be carried out? The alteration of land records could compromise title searches, service of process, collection of debts and affect the ability to notify adjoining landowners as required in some instances by planning and zoning requirements. How would voter registrations be verified? What would incomplete enrollment lists do to party primaries? And since jury lists are compiled from such public lists, would thousands of people be effectively exempt from jury service?

Moreover, this bill would place a huge financial burden on municipalities, requiring the clerk or assessor, at considerable expense of time and resources, to remove from each and every record the address of each and every person covered by this bill. While this may not seem onerous in a small town, imagine the burden in even a moderate size town or city. How is he or she to know what addresses to excise? Or which to reinstate, when a formerly covered employee is no longer so employed? In anything other than a small town, how is the assessor to know who is a member of the protected categories (there is no requirement in the proposed bill that people inform the town – in fact, the legislature expressly repealed that requirement several years ago)?

Significantly, none of these records identify the subject individuals as falling within the employee categories set forth in Conn. Gen. Stat. §1-217. In fact, the record custodian, in many instances the town clerk or assessor, would have no way of knowing from the information provided in the records themselves whether any individual involved in the transactions recorded in such records would fall within one of §1-217's categories.

The FOIC understands the security concerns associated with the release of the residential addresses of some on this list. However, especially in light of the easy access to such information in cyberspace, those security concerns cannot trump preserving the integrity of records that are required by law and history to be accurate, complete, and open for public inspection.

In late 2010, the Supreme Court heard oral argument in an appeal of an FOI Commission decision in which the Commission concluded that the Connecticut legislature did not intend, in enacting the protections of §1-217, to implicitly repeal separate statutes that the legislature enacted expressly to ensure that certain public records remain complete, accurate, and open to public inspection. Commissioner, Dept. of Public Safety et al. v. Freedom of Information Commission et al, SC 18617. A decision is expected within the next few months.

The FOI Commission urges the legislature to leave the law as it now stands and reject SB 1234.

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